

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

BENJAMIN L. PERKINS, JR.

PLAINTIFF

v.

Civil No. 03-5190

TIM HELDER, Sheriff,  
Washington County, Arkansas

DEFENDANT

**ORDER**

Now pending before the court is Washington County defendant, former Sheriff Steve Whitmill's motion to substitute current Sheriff Tim Helder as the defendant in this action. (Doc. 36.) The plaintiff has not responded to this motion.

In the motion, the defendant states that the claims brought by the plaintiff involve only official-capacity claims, and thus it is appropriate that the current sheriff be substituted as the defendant in this matter pursuant to Federal Rule of Civil Procedure 25(d)(1) ("When a public officer is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and the officer's successor is automatically substituted as a party.")

For the reasons stated by the defendant, the motion is GRANTED. Sheriff Tim Helder will be substituted for Sheriff Steve Whitmill in this matter. The court clerk is directed to make the substitution on the court's docket.

IT IS SO ORDERED this 20th day of September 2005.

**/s/ Beverly Stites Jones**

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HON. BEVERLY STITES JONES  
UNITED STATES MAGISTRATE JUDGE